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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,762	01/28/2005	Christian Fuchs	P27214	9319

40401 7590 06/22/2006

HERSHKOVITZ & ASSOCIATES  
1725 I STREET NW, SUITE 300  
WASHINGTON, DC 20006

EXAMINER
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ROBINSON, DANIEL LEON

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/522,762	<b>Applicant(s)</b> FUCHS, CHRISTIAN	
	<b>Examiner</b> Daniel L. Robinson	<b>Art Unit</b> 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 January 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-33, 38-45, 48 and 49 is/are rejected.
- 7) ☒ Claim(s) 34-37, 46, 47, 50 and 51 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/05, 3/05</u> | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 20 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kurata et al.(U.S.Pat.4,307,276).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21, 26, 40, 42-43 and 45 rejected under 35 U.S.C. 103(a) as being unpatentable over Kurata in view of Dills(U.S.Pat.4,348,571). Kurata discloses an induction heating method that shows many of the features of the claimed invention but fails to show a ferromagnetic plate. Dills discloses a flux shaping arrangement for induction heating that shows explicitly a ferromagnetic plate. It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to use a

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ferromagnetic plate as taught by Dills with the invention of Kurata so as to electromagnetically heat the contents of the utensil.

Claims 22-33, 38 and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurata in view of Dills as applied to claims 21, 26, 40, 42-42 and 45 above, and further in view of Yamazaki et al.(U.S.Pat.6,371,017). Kurata in view of Dills does not show a rectangular shaped induction coil. Yamazaki discloses a printing method and apparatus that shows a rectangular coil. It would have been obvious to one of ordinary skill at the time of the claimed invention to use a rectangular shaped coil, as taught by Yamazaki, to flow an induction current in the lengthwise direction.

Claims 39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurata in view of Clothier(U.S.Pat.6,320,169). Kurata does not explicitly show a calibration device or temperature measurement intervals. Clothier discloses a method and apparatus for induction heating using radio frequency identification of the object to be heated that shows a calibration routine and timed intervals. It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to use calibration and timed intervals to determine the heating effect of a new utensil.

Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurata in view of Dills as applied to claims 21, 26, 40, 42-43 and 45 above, and further in view of Chaput et al.(U.S.Pat.6,214,401). Kurata in view of Dills does not show an aluminum

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layer between two layers of stainless steel. Chaput discloses a cooking vessel for inductive heating and an alloy and method for producing such a vessel that shows a sandwiched aluminum layer. It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to use a sandwiched aluminum layer as taught by Chaput to distribute heat.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Collins and Koorneef are cited to show structure similar to the claimed invention.

***Allowable Subject Matter***

Claims 34-37, 46-47 and 50-51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Robinson whose telephone number is 571-272-4788. The examiner can normally be reached on m-f 5:30-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

dlr

**DANIEL ROBINSON**  
**PRIMARY EXAMINER**

